

IN THE UNITED STATES DISTRICT COURT  
OF THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

WOODSIDE CREDIT LLC,

Plaintiff,

V.

CHUBB INSURANCE SOLUTIONS  
AGENCY, INC. A/K/A CHUBB  
NATIONAL INSURANCE COMPANY

Defendant,

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Civil Action No. \_\_\_\_\_

DEFENDANT CHUBB INSURANCE SOLUTIONS AGENCY, INC.'S  
NOTICE OF REMOVAL

COMES NOW, Defendant Chubb Insurance Solutions Agency, Inc.—improperly alleged to also be known as Chubb National Insurance Company—and files this Notice of Removal pursuant to 28 U.S.C. section 1446(a), respectfully showing the Court as follows:

1. Chubb Insurance Solutions Agency, Inc. (“Chubb Agency”) is the only defendant in the state court action styled *Woodside Credit LLC v. Chubb Insurance Solutions Agency, Inc. a/k/a Chubb National Insurance Company*, cause no. 096-295367-17, pending in the 96th Judicial District Court of Tarrant County, Texas (the “State Court Action”). Plaintiff’s Original Petition (the “Petition”), Exhibit B.

2. Plaintiff Woodside Credit LLC (“Plaintiff”) filed the Petition in the State Court Action on September 28, 2017. *Id.* Plaintiff served Chubb Agency’s registered agent with the Petition on October 4, 2017. Affidavit of Service, Exhibit C. This Notice of Removal is therefore timely filed within thirty (30) days after receipt by Chubb Agency, through service, of a copy of the Petition. *See* 28 U.S.C. section 1446(b).

3. Further, this is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. section 1332(a)(1), because it is one between citizens of different states, wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. As such, the State Court Action may be removed to this Court pursuant to 28 U.S.C. section 1441.

4. Plaintiff is a limited liability company organized and existing under the laws of California<sup>1</sup> with its principal place of business located in California.<sup>2</sup> Chubb Agency is informed and believes, and based thereon asserts, that Plaintiff's sole member, Kirwan T. Roger, is an individual and resident of California and, therefore, a citizen of California.<sup>3</sup> Based on the foregoing, Plaintiff was at all relevant times a citizen of California. *See Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

5. Chubb Agency is incorporated under the laws of Delaware with its principal place of business in Pennsylvania. Therefore, Chubb Agency was at all relevant times a citizen of both Delaware and Pennsylvania. *See* 28 U.S.C. § 1332(c)(1).

6. Based on the foregoing, complete diversity of citizenship exists between Plaintiff and Chubb Agency pursuant to 28 U.S.C. section 1332(a)(1).

7. In the Petition, Plaintiff contends that Chubb Agency violated certain sections of the Texas Insurance Code, in failing to timely accept or reject an automobile insurance claim. Ex. B. Plaintiff claims an insurable interest in the automobile in question, a 2006 SLR Mercedes, and asserts its claims as a purported loss payee under the Policy. *Id.*, p. 2.

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<sup>1</sup> *See* Plaintiff's Articles of Incorporation, Exhibit E.

<sup>2</sup> *See* Plaintiff's 2015 Statement of Information, Exhibit F; Plaintiff's 2017 Statement of Information, Exhibit G.

<sup>3</sup> *Id.*

8. Plaintiff states that it seeks “monetary and nonmonetary relief of more than \$200,000 but not more than \$1,000,000.” *Id.*, p. 2. Therefore, the pleading on its face establishes that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

9. Pursuant to 28 U.S.C. section 1446(a) and Local Rule 81.1, attached hereto are the following:

| State Court Pleadings |  |                           |
|-----------------------|--|---------------------------|
| Exhibit               | Description  | Date Filed in State Court |
| A                     | Docket Sheet from State Court                                    | N/A                       |
| B                     | Petition   | 9/28/2017                 |
| C                     | Affidavit of Service on Chubb Agency                             | 10/6/2017                 |
| D                     | Chubb Agency’s Answer, Verified Denials and Affirmative Defenses | 10/27/2017                |

10. This Court therefore has original jurisdiction over this action under 28 U.S.C. section 1332, and removal of this action to this Court is proper under 28 U.S.C. section 1441.

11. For these reasons, this action is properly removable from the 96th Judicial District Court of Tarrant County, Texas, to the United States District Court for the Northern District of Texas, Fort Worth Division, such being the district and division where the State Court Action is pending.

12. Chubb Agency will give notice of the filing of this Notice of Removal to all parties through their counsel of record and will file a copy of this Notice of Removal in the State Court Action, as required by 28 U.S.C. § 1446(d).

13. Chubb Agency does not waive and specifically reserves any and all objections, exceptions, or defenses to the Petition, including but not limited to moving to have this matter dismissed.

Respectfully submitted:

/s/ Alicia G. Curran

Alicia G. Curran (Lead Attorney)

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ATTORNEYS FOR CHUBB INSURANCE  
SOLUTIONS AGENCY, INC.

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above document has been served on all counsel of record according to the Federal Rules of Civil Procedure and Local Rules of this Court, on November 3, 2017.

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